

BILL ANALYSIS

Senate Research Center

H.B. 733
By: Raymond (Shapleigh)
Finance
6-10-97
Enrolled

DIGEST

Currently, state law prohibits the use of most state property for non-state purposes. This prohibition prevents most agencies from taking advantage of opportunities to generate non-tax revenue by leasing underutilized facilities. This bill would establish a pilot program to develop private, commercial uses for state-owned parking lots and garages in the city of Austin near areas where entertainment businesses are concentrated.

PURPOSE

As enrolled, H.B. 733 establishes a pilot program to develop private, commercial uses for state-owned parking lots and garages in the city of Austin near areas where entertainment businesses are conducted.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commission or a state agency with charge and control of a state building in SECTION 1 (Section 2165.004(b), Government Code) of this Act.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2165.004, Government Code, as follows:

Sec. 2165.004. New heading: LEASE OF SPACE TO PUBLIC TENANTS IN STATE-OWNED BUILDINGS. Authorizes a commission or a state agency with charge and control of a state building to enter into a lease agreement with a department, commission, board, agency, or other instrumentality of the state, a political subdivision of the state, or the federal government or its instrumentalities for space in the building. Deletes reference to an office building subject to Chapter 2166, Government Code. Prohibits the commission from leasing space in a state office building to an individual, private corporation, association, partnership, or other private interest. Authorizes the commission or a state agency with charge and control of a state building to adopt rules necessary to implement this section. Defines "political subdivision." Makes conforming changes.

SECTION 2. Amends Section 2165.203, Government Code, to prohibit the General Services Commission (commission), in offering space in a state-owned building that is under the commission's control under this subchapter, from including contract provisions that would tend to diminish the value of the lease space of surrounding privately owned buildings. Requires the commission to collect information on the location, size, and type of space that is available for lease in state-owned buildings under the control of the commission and determine the feasibility of leasing available space to private tenants. Makes a conforming change.

SECTION 3. Amends Chapter 2165E, Government Code, by adding Section 2165.2035, as follows:

Sec. 2165.2035. PILOT PROGRAM. Requires the commission to establish a pilot program to develop private, commercial uses for state-owned parking lots and garages located in the city of Austin in the area bordered by West Fourth Street, Lavaca Street, West Third Street, and Nueces Street. Requires the commission to contract with a private vendor to manage the commercial use of state-owned parking lots and garages. Requires money received from a

lease under this program to be deposited to the credit of the general revenue fund. Requires the commission, on or before December 1 of each even-numbered year, to submit a report to the legislature and the Legislative Budget Board describing the effectiveness of the pilot program. Provides that the limitation on the amount of space allocated to private tenants prescribed by Section 2165.205(b) does not apply to the lease of a state-owned parking lot or garage under this section. Requires any lease of a state-owned parking lot or garage under this section to contain a provision that allows state employees who work hours other than regular working hours under Section 658.005 to retain their parking privileges in a state-owned parking lot or garage.

SECTION 4. Amends Section 2165.205, Government Code, to delete existing Subsection (a), prohibiting the commission from performing certain actions. Requires a state agency with charge and control of a state building, among others, to determine the amount of space in a building to be allocated to private tenants and the types of activities in which the tenants may engage according to the market for certain activities among employees and visitors in the building and in the vicinity of the building, except as provided by this subchapter and Chapter 663. Authorizes the commission or a state agency with charge and control of a state building entering into a short-term lease for a period not to exceed seven days with a private tenant for the use of certain facilities, including conference rooms, meeting rooms, auditoriums, and other similar facilities. Deletes existing Subsection (d) relating to the commission allocating space in a building to a private tenant. Makes conforming changes.

SECTION 5. Amends Section 2165.211, Government Code, to authorize money received from a lease under Section 2165.203 or any other lease of a state-owned building under the commission's control under this subchapter, except as provided by Subsections (b) and (c), to be used only for building and property services performed by the commission. Authorizes one-half of the money received by the commission or a state agency with charge and control of a state building from a lease under Section 2165.205(c) to be used only for building and property services performed by the commission or the state agency. Provides that this section does not apply to a lease under Section 2165.2035.

SECTION 6. Amends Chapter 2165E, Government Code, by adding Section 2165.216, as follows:

Sec. 2165.216. IMMUNITY FROM LIABILITY. Provides that notwithstanding Chapter 101, Civil Practice and Remedies Code, or any other law, the commission is not liable for property damage, personal injury, or death arising in connection with a lease of space to a private tenant under this subchapter.

SECTION 7. Amends Section 2166.102(c), Government Code, to require the master facilities plan to contain, among other items, an examination of the location, size, and type of building space that is available for lease to private tenants; and an examination of the extent to which the state maximizes the use of existing buildings by leasing space to private tenants. Makes conforming changes.

SECTION 8. Emergency clause.
Effective date: upon passage.